

REMARKS

The amendments requested above are to remove reference to the drawings in the application. No new matter is introduced by these amendments and the Examiner is respectfully requested to enter them

The subject application was filed on July 14, 1999 as a continuation of USSN 09/193,221 which was filed on November 16, 1998. The absence of any figures in the Patent Office file of the parent application was reported to Applicants' attorneys on July 13, 1999. Applicants advised the Office that while copies of the drawings were present in their attorney's file, the coversheet and postcard did not indicate that drawings were included with the filing documents. Therefore, because it was uncertain whether drawings were included and lost by the patent office, but were not indicated in the filing papers, or the drawings were not included, to ensure that the filing date of the application was confirmed, regardless of what occurred, the application was amended to remove any reference to these drawings. Since this application was filed as a continuation application, it too should lack all figures, not just Figures 5A and 5B. Inadvertently the copy of the continuation application that was filed contained Figures 1-4.

The references to the drawings provided a description of the data and the conclusions to be drawn from the observations. The invention is a method which is described and is capable of being performed without the figures. The figures were representations of the data disclosed in the application, where the data disclosed support the validity of the conclusions set forth in the application. Therefore, the application was complete without drawings and the drawings merely added graphic depictions of the evidence described in the application. Accordingly, it is requested that all drawings be removed from the application and that the attached petition under 37 CFR 1.53(e) be granted to accord a filing date to the subject application.

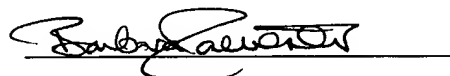
Roberto Malinow *et al.*
Serial No. 09/353,126

CONCLUSION

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at (831) 648-3090.

Respectfully submitted,

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